
RIGHT TO EQUALITY AND THE CONSTITUTION OF INDIA

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ABSTRACT

The right to equality, as enshrined in the Indian Constitution, is a fundamental principle ensuring that all citizens are treated equally before the law and are not discriminated against based on religion, race, caste, sex, or place of birth. This right is detailed in Articles 14 to 18 of the Constitution. Essentially, it means that the law applies equally to all, and no one is above the law. This principle ensures that everyone is subject to the same laws and legal processes, regardless of their status or position. In this article, I will try to tell what provision has been made in the Indian Constitution to achieve the goal of equality and whether we have succeeded in achieving that goal. If socio-economic and political equality has not been achieved even after 75 years of the implementation of the Constitution, then what efforts are being made to achieve it will be analysed.

Introductions

India was known as Bharat Varsha in ancient times. When our constitution came into force on 26 January 1950, our country was named India. India has a very rich history and we have very ancient scriptures like Vedas, Puranas, Ramayana, Geeta, Smriti, Nibandh etc. These scriptures mention the rights and duties of the individual and the society. There is no mention of any kind of discrimination between men and women or forward and backward castes and classes in our scriptures. Four Varnas are mentioned in the Vedic period. All these Varnas have been interpreted from the Vedic period till today on the basis of deeds. The name of Brahmin was given to that person or class whose work was scholarship i.e. those who imparted education and culture to the people and the society. Kshatriyas were those who protected the state. Vaishyas were those who did business and Shudras were those who were hardworking and labourers. There was no inequality anywhere among these four Varna's. All of them were identified according to their respective deeds. Our civilization is Vasudhaiva Kutumbakum. We consider the whole world as our family and have a sense of brotherhood with everyone. Our philosophy has been of oneness. Our civilization and heritage do not accept discrimination against anyone. In Ram Charit Manas written by Goswami Tulsi Das, the respect that Lord Shri Ram and his four brothers got, the same respect was given to Mother Sita, the same respect was given to Maharaja Dashrath, the same respect was given to Queen Kaushalya and other mothers, the respect that Hanumanji got as a peram bhakt, the same respect and honor was given by Lord Shri Ram to Sevari by eating his leftover berries, no discrimination was seen anywhere here. So the framer of our constitution On 25 November 1949, Ambedkar delivered a powerful speech advocating the unanimous adoption of the draft constitution. In it, he repeatedly made it clear that for him democracy was not just a form of government but a form of social organization. The Constituent Assembly included several important rights in the Indian Constitution to ensure that principle of social justice and equality were the base of all future development of India. According to Dr. B.R.Ambedkar, the varna system is the primary cause of all inequity, as well as the source of caste and untouchability. Ambedkar advocated for a social system in which a man's rank is determined by his merit and achievements, and no one is noble or untouchable because of his or her birth. The concept of equality means that all individuals are entitled to the same rights, opportunities, and treatment, regardless of their background or characteristics. It's a fundamental principle that ensures fairness and impartiality in society. While equality often focuses on treating everyone the same, equity recognizes that

individuals may have different needs and circumstances, requiring tailored support to achieve equal outcomes.

Preamble of Indian Constitution

The Constitution of India came into force on 26 January 1950. It is clearly mentioned in the Preamble of the Indian Constitution that providing social, economic and political justice to all the citizens of India will be our priority. The text of the preamble is as follows:

“We, the people of India, to constitute India into a sovereign socialist,¹ secular,² democratic republic and to all its citizens:

Social, economic and political justice;

Freedom of thought, expression, belief, religion and worship;

Equality of status and opportunity;

To enable them to achieve, and to promote among them all, fraternity assuring the dignity of the individual and the unity and integrity³ of the nation,

With firm resolve, in this our Constituent Assembly on today the 26th of November, 1949 (Mitti Margashirsha Shukla Saptami, Samvat two thousand six Vikrami) we hereby adopt, enact and dedicate ourselves to this Constitution.

It is clearly mentioned in the Preamble that there is no place for any kind of discrimination in India.

Equality and Fundamental Rights

The Indian Constitution guarantees the fundamental right to equality, enshrined in Articles 14 to 18, ensuring equal treatment and opportunities for all citizens. This includes equality before the law, prohibition of discrimination based on religion, race, caste, sex, or place of birth, and

¹ Added by 42nd Constitutional Amendment on 1976

² Ibid

³ Ibid

equality of opportunity in public employment.⁴

Article 14 of the Constitution of India

Article 14 declares that “The State shall not deny to any person equality before the law or equal protection of the laws within the territory of India”.⁵ Article 14 applies to all persons within the territory of India, including citizens, corporations, and foreigners.

There are two concepts involved in article 14 first is equality before law ‘and second is equal protection of laws’.

Equality before the law:

This concept, derived from the British legal system, implies that no one is above the law and that all individuals are subject to the same legal rules and procedures. The first is a negative concept which ensures that there is no special privilege in favor of any one, that all are equally subject to the ordinary law of the land and no person whatever be his rank or condition is above the law. This is equivalent to the second corollary of A.V. Dicey’s concept of the Rule of Law in Britain. This principle is a declaration of equality of all persons within the territory of India, implying thereby the absence of any special privilege in favor of any individual. Every person, whatever be his rank or position, is subject to the jurisdiction of the ordinary courts. Prof. Dicey said, “Every official, from the Prime Minister down to a constable or a collector of taxes, is under the same responsibility for every act done without any legal justification as any other citizen”.

Equal protection of the laws:

This concept, ‘equal protection of laws’, is positive in content borrowed from the American legal system, meaning that all individuals in similar circumstances should receive the same treatment. It does not mean that identically the same law should apply to all persons, or that every law must have a universal application within the country irrespective of differences of circumstances. Equal protection of the laws does not postulate equal treatment of all persons without distinction. It denotes equality of treatment in equal circumstances. It implies that

⁴ Article 14 to 18 part III of the Indian Constitution 1950

⁵ Article 14 of the Indian constitution

among equals the law should be equal and equally administered, that the like should be treated alike without distinction of race, religion, wealth, social status or political influence. This concept is rather a corollary of the first expression and directs that equal protection shall be secured to all persons within the territorial jurisdiction of the union in the enjoyment of their rights and privileges without favoritism or discrimination. It has been said that ‘equal protection of the laws’ is a pledge of protection or guarantee of equal laws.⁶ Fundamental Rights are guaranteed to protect the basic human rights of all citizens of India and are enforced by the courts subject to certain limitations. One such Fundamental Right is the Right to Equality. The Right to Equality refers to equality in the eyes of the law, excluding any unfairness on the basis of caste, race, religion, place of birth and sex and also includes equality of prospects in matters of employment, abolition of untouchability and abolition of titles. The equality of citizens of our country and of caste, race, religion, place of birth is defined in Articles 14 to 18. Article 14 is a cornerstone of India's commitment to social justice and aims to prevent discrimination and ensure that all individuals have equal opportunities under the law.

Article 14 allows for reasonable classification

Article 14 forbids class legislation, but does not forbid classification or differentiation which rests upon reasonable grounds of distinction. The principle of equality does not mean that every law must have universal application to all persons who are not by nature, attainment or circumstances in the same position.⁷

Fazal Ali observed—“The guarantee of the equal protection of laws means the protection of equal laws. It forbids class legislation but does not forbid classification which rests upon reasonable grounds of distinction”.⁸

The equal protection of the law guaranteed by article 14 of the Constitution does not mean that all the laws must be general in character and universal in application and that the State is no longer to have the power of distinguishing and classifying persons or things for the purpose of legislation.⁹

⁶ From J.N. Pandey Book constitution of India

⁷ Ibid

⁸ Chiranjit Lal Chowdhary v. Union of India, : AIR 1951 SC 41: 1951 SCJ 29: 1950 SCR 869

⁹ Kedar Nath Bajoria v. State of West Bengal AIR 1953 SC 404: 1953 Cr LJ 1621: 1953 SCJ 580: 1954 SCR 30.

The reasonable classification must not be arbitrary, artificial or evasive but must be based on some real and substantial distinction bearing a just and reasonable relation to the object sought to be achieved by the legislation.¹⁰

Test of Reasonable Classification

The doctrine of classification is only a subsidiary rule evolved to give practical content to the doctrine of equality, but over-emphasis on classification would result in the substitution of the doctrine of classification for the doctrine of equality. In order to pass the test for permissible classification two conditions must be fulfilled, namely—

1. The classification must be founded on an intelligible differentia which distinguishes persons or things that are grouped together from others left out of the group; and
2. The differentia must have a rational relation to the object sought to be achieved by the statute in question.

Classifications on grounds of geographical conditions

Geographical classification is permissible under Article 14, provided it serves a legitimate purpose and has a rational connection to the law's objective.

Kishan Singh v. State of Rajasthan¹¹ is a landmark judgment delivered by the Supreme Court of India on September 27, 1955. The case involved certain Jagirdars (landlords) of Marwar challenging the constitutionality of Sections 81 to 86 of the Marwar Land Revenue Act No. 40 of 1949. The Supreme Court, presided over by Justice Venkatarama Ayyar, meticulously examined the constitutional validity of Sections 81 to 86 of the Marwar Land Revenue Act. The Court addressed two primary contentions: the alleged violation of Article 14 due to territorial discrimination and the infringement of property rights under Articles 19(1) (f) and 31(2).

After thorough deliberation, the Court upheld the validity of the challenged sections. It concluded that the territorial classification was justified based on differing regional conditions and that the rent fixation mechanisms did not constitute an unreasonable

¹⁰ R.K. Garg v. Union of India, AIR 1981 SC 2138:

¹¹ 1955 AIR 795

encroachment on property rights. The Court emphasized that legislative measures tailored to specific localities, aimed at ensuring fair and equitable rent, were within the purview of the state's regulatory powers.

Consequently, the petitions were dismissed, reinforcing the state's authority to enact region-specific tenancy laws without violating constitutional provisions.

Clacifications in the favor of the state

In case of **Somduitt Verses State of U.P. AIR 1975**¹² Supreme Court held that states have the right to acquire land and acquire industry, trade, and business in favour of public order.

Article 14 and Taxation in Laws

The **R.K. Garg vs. Union of India case in 1981** dealt with the constitutional validity of the **Special Bearer Bonds (Immunities and Exemptions) Act, 1981**, which was introduced by the Government of India to deal with black money in the economy. The petitioner, R.K. Garg, challenged the Act on the grounds that it violated the Constitution by promoting corruption and black money. The Government of India introduced the Special Bearer Bonds to address the issue of black money, allowing individuals to invest their undisclosed income without being subject to taxation or penalties. The petitioner argued that the Act was unconstitutional as it promoted illegal practices and violated the principles of equality under Article 14 of the Constitution. The Court held that the Act did not violate the equality clause of Article 14 because the classification of individuals holding black money for the purpose of immunities was based on intelligible differentia and had a rational nexus to the objective of the legislation.¹³

Special Courts and Procedures:

Article 14 of the Indian Constitution, guaranteeing equality before the law and equal protection of the laws, can be invoked when special courts or procedures are established, potentially leading to discrimination or unequal treatment. While special courts are sometimes necessary for efficient justice delivery, particularly for specific offenses or vulnerable groups, their

¹² Writ petition no.2215 of 1975

¹³ R.K. Garg vs. Union of India AIR 1981 SC 2138

establishment and procedures must adhere to the principles of Article 14, ensuring a reasonable classification and avoiding arbitrary or discriminatory practices.

Courts established under POSCO Act¹⁴ the National Commission for Protection of Child Rights (NCPCR), does not have any data on POCSO cases in the country. Hence, The Supreme Court has directed the Centre to set up special courts to deal exclusively with Protection of Children from Sexual Offences (POCSO) cases.

MP-MLA Courts¹⁵ Supreme Court of India directed the Union Government to set up special courts across the country to fast-track the long-pending trials of lawmakers. Following this order, In September 2020, Supreme Court of India appointed amicus curiae, in his two reports, highlighted that despite the best efforts by the court to constitute special courts for trying cases against legislators, close to 4,442 criminal cases involving 2,556 sitting members of Parliament (MP) and members of legislative assemblies (MLAs) are pending. As directed by the Hon'ble Supreme Court of India vide its Orders dated 01.11.2017 and 14.12.2017, the Union Government facilitated setting up of 12 Special Courts in States, for expeditious trial of criminal cases involving MP/MLAs. Accordingly, 12 Special Courts (02 in NCT of Delhi and 01 each in the state of UP, Bihar, WB, MP, Maharashtra, Karnataka, Andhra Pradesh, Telangana, Tamil Nadu and Kerala) were constituted. 10 Special Courts are presently functional in 9 States (Special court of Bihar and Kerala were discontinued as per direction of the apex court dated 04.12.2018). Performance of these special courts is being monitored by the Hon'ble Supreme Court of India.

Special Courts for Terrorist and Disruptive Activities

All UAPA offences which are being investigated by NIA or State police are tried by Special Courts established under Section 22 of NIA Act.¹⁶ Supreme Court of India clarified that the Special Court alone has exclusive jurisdiction to try such offences. The Sessions court has jurisdiction to deal with such cases only if the Special Court is not constituted as per the NIA Act.¹⁷

¹⁴ It came into force on November 14, 2012.

¹⁵ MP, MLA, Courts established by Supreme court of India vide its order dated 01/11/2017, 14/11/2017.

¹⁶ The national investigation agency Act, 2008

¹⁷ NIA Act 2008 A amended act 2019

The State Government may constitute one or more Special Courts for the trial of offences under any or all the enactments specified in the Schedule.

Special Courts for Money Laundering Cases

Special Courts has been established under Section 43 of Prevention of Money Laundering Act (PMLA) to try offences committed by a person under Section 44 of this act.¹⁸

The Central Government, in consultation with the Chief Justice of the High Court, shall, for trial of offence punishable under section 4, by notification, designate one or more Courts of Session as Special Court or Special Courts or such area or areas or for such case or class or group of cases as may be specified in the notification.

Special Courts for Scheduled Castes and Tribes (Prevention of Atrocities) Act

Special courts has been established under Section 14 of Scheduled Castes and Tribes (Prevention of Atrocities) Act to try offences specified in this Act.¹⁹

For the purpose of providing for speedy trial, the State Government shall, with the concurrence of the Chief Justice of the High Court, by notification in the Official Gazette, specify for each district a Court of Session to be a Special Court to try the offences under this Act.

CBI courts²⁰ are special courts established to handle cases investigated by the Central Bureau of Investigation (CBI) in India. These courts focus on cases related to corruption, economic offenses, and other serious crimes with inter-state or all-India ramifications, as well as those entrusted to the CBI by the Supreme Court, High Courts. CBI courts are specifically designed to expedite the trial and disposal of cases investigated by the CBI, ensuring efficient handling of these cases. These courts handle a range of offences, including those under the Prevention of Corruption Act, 1988, and other relevant statutes. sensitive and complex matters. The establishment of CBI courts is often based on recommendations from the Chief Justice of India and directives from the Supreme Court to address the increasing number of CBI cases.

¹⁸ PMLA, 2002

¹⁹ The Scheduled Cast and the Scheduled Tribes (Prevention of Atrocities) Act, 1989

²⁰ CBI Courts are established in a structured order, with the primary goal of expediting cases filed under the Delhi special police establishment Act, 1946.

Established under the Delhi Special Police Establishment Act, 1946, the CBI courts specifically deal with cases filed under the Central Bureau of Investigation (CBI). Unlike regular courts, the Judges here are 'elected', while the CBI Magistrate is an officer who is in rank of a Chief Judicial Magistrate or a Judicial Magistrate First Class.

Article 15 of the Constitution of India

Prohibition of discrimination on grounds of religion, race, caste, sex and place of birth.

(1) The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, and place of birth or any of them.²¹

(2) No citizen shall, on grounds only of religion, race, caste, sex, place of birth or any of them, be subject to any disability, liability, restriction or condition in respect of- access to shops, public restaurants, hotels and places of public entertainment; or use of wells, tanks, bathing ghats, roads and places of public assembly constructed wholly or partly out of State funds or dedicated to the use of the general public.²²

(3) Nothing in this article shall prevent the State from making any special provision for women and children. This clause allows the state to implement affirmative action policies and laws that provide benefits or protections to women and children that might not be available to others. This has led to various laws and policies like the Maternity Benefit Act, laws against domestic violence, and provisions for reservations in education and employment for women. While Article 15(3) allows for special provisions, these provisions must be reasonable and not violate other fundamental rights. The courts have often scrutinized such provisions to ensure they are genuinely aimed at benefiting women and children and not perpetuating discrimination. The interpretation of Article 15(3) has been evolving, with a move towards recognizing the need for substantive equality and addressing systemic inequalities faced by women, rather than just protective discrimination.²³

(4) Nothing in this article shall prevent the State from making any special provision for the advancement of any socially and educationally backward class of citizens or the Scheduled Castes and the Scheduled Tribes. Article 15(4) of the Indian Constitution allows the state to

²¹ Article 15(1) the Constitution of India.

²² Article 15(2) the constitution of India

²³ Article 15(3) the constitution of India

make special provisions for the advancement of socially and educationally backward classes, including Scheduled Castes and Scheduled Tribes. This provision enables affirmative action measures like reservations in education and employment to address historical inequalities. The purpose of Article 15(4) is to promote social justice and equality by providing opportunities for these traditionally disadvantaged groups to overcome historical disadvantages and participate more fully in society. Special provisions under Article 15(4) often take the form of reservations in educational institutions and government jobs.²⁴

(5) Nothing in this article shall prevent the State from making any special provision by law for the advancement of any socially and educationally backward class of citizens or the Scheduled Castes or the Scheduled Tribes in so far as such special provisions relate to their admission into educational institutions, whether aided or unaided by the State, including private educational institutions, other than minority educational institutions specified in clause (1) of article 30.²⁵

(6) Article 15(6) of the Indian Constitution, added by the 103rd Amendment, allows the government to make special provisions for the advancement of economically weaker sections (EWS) of citizens. This includes the ability to create reservations in educational institutions, including private unaided institutions, up to a maximum of 10% of the total seats, in addition to existing reservations. It empowers the government to provide reservations for EWS in educational institutions, both public and private (excluding minority institutions), and in government jobs. The article specifies that these reservations for EWS can be up to a maximum of 10% of the total seats in educational institutions. The EWS reservations are in addition to any existing reservations.²⁶

EWS definition:

The specific criteria for determining "economically weaker sections" are to be notified by the state, based on family income and other indicators of economic disadvantage.

²⁴ Article 15(4) was added to the Constitution through the First Amendment in 1951, recognizing the need for affirmative action to address social inequalities.

²⁵ The Constitution (Ninety-third Amendment) Act, 2005, added a section to article 15 stating that the State is empowered to make certain specific provisions relating to adjustment for the advancement of any socially and educationally disadvantaged class of the society as well as the Scheduled Castes and the Scheduled Tribes in regard to their enrolment in educational institutions including private educational institutions, aided or unaided by the State, excluding minority institutions.

²⁶ Article 15(6) of the Indian Constitution, added by the 103rd Amendment Act 2019.

Article 16 of the Indian Constitution:

Article 16 of the Indian Constitution guarantees equality of opportunity in matters of public employment to all citizens. It prohibits discrimination based on religion, race, caste, sex, descent, place of birth, or residence in relation to such employment or office. The article also allows for special provisions, including reservations, for the advancement of any socially and educationally backward classes of citizens, as well as for Scheduled Castes and Scheduled Tribes.

Article 16(1) of the Indian Constitution guarantees equality of opportunity for all citizens in matters of public employment. This means that when it comes to government jobs, all citizens should have an equal chance to be considered, without any discrimination based on religion, race, caste, sex, descent, place of birth, or residence.²⁷ Article 16(1) establishes the fundamental principle that all citizens should have an equal footing when seeking government jobs.

While Article 16(1) promotes equality, it does not prevent the state from prescribing reasonable qualifications or conditions for employment, such as educational requirements or experience.

Article 16(2) of the Indian Constitution guarantees equality of opportunity in public employment by prohibiting discrimination based on religion, race, caste, sex, descent, place of birth, or residence.²⁸ This means that no citizen can be excluded from or discriminated against in any employment or office under the State on these grounds. It ensures that all citizens have an equal chance in matters related to employment and appointment to government positions. It explicitly forbids discrimination based on religion, race, caste, sex, descent, place of birth, or residence.

Article 16(3) Nothing in this article shall prevent Parliament from making any law prescribing, in regard to a class or classes of employment or appointment to an office under the Government of, or any local or other authority within, a State or Union territory, any requirement as to residence within that State or Union.²⁹

Article 16 (4) Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favour of any backward class of citizens which, in the

²⁷ Article 16(1) the constitution of India 1950.

²⁸ Article 16(2) the constitution of India 1950

²⁹ Article 16(3) the constitution of India 1950

opinion of the State, is not adequately represented in the services under the State.³⁰ It's important to note that Article 16(4) is an enabling provision, not a mandatory one. It empowers the state to make reservations but doesn't compel it to do so.

Article 16 (4A)³¹ Nothing in this article shall prevent the State from making any provision for reservation in matters of promotion, with consequential seniority, to any class or classes of posts in the services under the State in favour of the Scheduled Castes and the Scheduled Tribes which, in the opinion of the State, are not adequately represented in the services under the State. Article 16(4A) was inserted into the Indian Constitution by the 77th Amendment Act, 1995. This amendment allows the state to make provisions for reservation in promotion for Scheduled Castes and Scheduled Tribes. Specifically, the 77th Amendment addressed the Supreme Court's ruling in *Indra Sawhney v. Union of India*, which stated that reservations could not be applied to promotions. By inserting Article 16(4A), the Parliament enabled the state to provide reservations in promotions for SCs and STs to ensure their adequate representation in government services.

Article 16(4B)³² Nothing in this article shall prevent the State from considering any unfilled vacancies of a year which are reserved for being filled up in that year in accordance with any provision for reservation made under clause (4) or clause (4A) as a separate class of vacancies to be filled up in any succeeding year or years and such class of vacancies shall not be considered together with the vacancies of the year in which they are being filled up for determining the ceiling of fifty per cent. reservation on total number of vacancies of that year. Article 16(4B) was added to the Indian Constitution by the 81st Amendment Act, 2000. This amendment allows the government to treat unfilled reserved vacancies from previous years as a separate class of vacancies, not subject to the same 50% ceiling as regular reservations. This is often referred to as the "carry forward rule". Articles 16(4A) and 16(4B) of the Indian Constitution deal with reservations in promotions for Scheduled Castes (SCs) and Scheduled Tribes (STs) in government services. Article 16(4A) allows the state to make provisions for reservations in promotions for SCs and STs if they are not adequately represented, and also provides for consequential seniority. Article 16(4B) allows for the carry forward of unfilled

³⁰ Article 16(4) of the constitution of India 1950

³¹ Article 16(4A) was inserted into the Indian Constitution by the 77th Amendment Act, 1995.

³² Article 16(4B) was added to the Indian Constitution by the 81st Amendment Act, 2000.

vacancies from previous years, which can be filled in subsequent years, even if it results in exceeding the 50% reservation ceiling in a particular year.

Article 16 (5) Nothing in this article shall affect the operation of any law which provides that the incumbent of an office in connection with the affairs of any religious or denominational institution or any member of the governing body thereof shall be a person professing a particular religion or belonging to a particular denomination. A Hindu temple might require its priests to be Hindu, and a Muslim mosque might require its Imam to be Muslim. Article 16(5) allows these institutions to enforce such requirements.³³

Article 16(6)³⁴ Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favor of any economically weaker sections of citizens other than the classes mentioned in clause (4), in addition to the existing reservation and subject to a maximum of ten per cent. of the posts in each category. Article 16(6) aims to address the economic disadvantages faced by certain sections of society by providing them with opportunities for government jobs and appointments. A crucial aspect is the 10% cap on EWS reservations, ensuring that the total reservation benefits do not exceed a reasonable limit. The EWS reservation is in addition to the existing reservation policies for Scheduled Castes (SCs), Scheduled Tribes (STs), and Other Backward Classes (OBCs). The 103rd Amendment, including Article 16(6), was challenged in the Supreme Court in the **Janhit Abhiyan v. Union of India**³⁵ (also known as the **EWS Reservation case**) the court upheld its constitutional validity, stating it does not violate the basic structure of the Constitution.

Article 17³⁶ of the Indian Constitution deals with the abolition of untouchability and its practice in any form is forbidden. It also declares that the enforcement of any disability arising from untouchability is an offense punishable by law. This article is a crucial part of the fundamental rights and aims to ensure equality and social justice in Indian society by eliminating the practice of untouchability. Article 17 aims to eradicate the inhuman practice of treating certain individuals as "untouchable" due to their caste, ensuring their dignity and equality. While Article 17 itself is a fundamental right, subsequent legislation like the Protection of Civil Rights Act, 1955 and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989

³³ Article 16(5) of the constitution of India 1950.

³⁴ Article 16(6) was inserted into the Indian constitution by the 103 Amendment Act, 2019.

³⁵ Writ petition (civil) No.55 of 2019.

³⁶ Article 17 of the constitution of India 1950.

have been enacted to provide mechanisms for its enforcement and to punish those who violate its provisions. The Supreme Court has clarified that not every insult or intimidation against a Scheduled Caste or Scheduled Tribe member automatically constitutes an offense under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (PoA Act). The court emphasized that the insult or intimidation must be directly linked to the victim's caste identity for the Act to apply. If someone insults or intimidates a person based on their caste, that is covered by the Act. However, if someone insults another person, but it's not connected to their caste, then it's not an offense under the PoA Act, even if the victim is a Scheduled Caste or Scheduled Tribe member. Supreme Court's interpretation aims to ensure that the PoA Act is applied appropriately, preventing misuse while still safeguarding the rights of vulnerable communities.

Article 18, Constitution of India 1950

(1) No title, not being a military or academic distinction, shall be conferred by the State.³⁷

(2) No citizen of India shall accept any title from any foreign State.³⁸

(3) No person who is not a citizen of India shall, while he holds any office of profit or trust under the State, accept without the consent of the President any title from any foreign State.³⁹

(4) No person holding any office of profit or trust under the State shall, without the consent of the President, accept any present, emolument, or office of any kind from or under any foreign State.⁴⁰

It prohibits the state from conferring titles, except for military or academic distinctions, and prevents citizens from accepting titles from foreign states. The State cannot grant titles like "Rai Bahadur" or "Khan Bahadur," which were common during the British Raj. Military and academic distinctions (like Major, Professor, etc.) are allowed as they are based on merit and achievement. The Supreme Court has clarified that national awards like Bharat Ratna, Padma Vibhushan, Padma Bhushan, and Padma Shri are not considered "titles" within the meaning of

³⁷ Article 18(1) the constitution of India 1950.

³⁸ Article 18(2) the constitution of India 1950

³⁹ Article 18(3) the constitution of India 1950

⁴⁰ Article 18(4) the constitution of India 1950

Article 18, as they are purely honorary and do not confer any hereditary or other privileges.

In essence, Article 18 ensures that India remains an egalitarian society by preventing the re-establishment of a system of titles and distinctions that could create social inequality. his article aims to prevent the creation of social hierarchies based on titles and promote equality.

Conclusion

India is like a beautiful garden, where different types of flowers bloom, looking very charming. Similarly, India is a country of diversity. The beauty of this place is unity in diversity. Different costumes, different types of attire, many types of languages but still we all Indians from East to West and North to South are one. This is our identity. After independence, when the Constitution of India was made, our Constitution makers had a goal in front of them. The Constitution makers had closely observed the problems of India, with the main issue being societal disintegration. To prevent the spread of mutual disparity in society, the Constitution makers created Article 14, whose primary objective was to ensure equal justice. Article 15, 16, 17, 18 are special examples of Article 14. Our Parliament and Judiciary have made an effort with the help of the provisions of the Constitution to ensure that all the citizens of India get social, economic and political justice equally. Now the question is what are the ways to achieve this goal? Can this inequality be removed on the basis of reservation? The views of many of our social scholars are available on this subject. Dr. Bhimrao Ambedkar had said that people of socially and educationally backward classes should get reservation in the policy making of the state and in other places where they have been left behind, but it should also be reviewed from time to time as to how much success has been achieved in the effort being made to eliminate the inequality through reservation. A time limit of 10 years was set for this, but this time limit is being continuously extended by amending the Constitution, the result of which is that those people of that deprived class who have not been able to avail the benefit of reservation till date, lag behind and those people who have availed the benefit of this reservation, take advantage of it, due to which the real person does not get the benefit. Therefore, today the need is that reservation should be reviewed from time to time.

Our governments have made a lot of efforts to achieve the goal of social equality in India. The Government of India and other governments have also started many social welfare schemes to achieve the goal of equality so that no person is left behind in the competition of society due to lack of resources. In conclusion, I can say that to achieve the goal of social equality, other

welfare schemes should be continued along with reservation and reservation should be reviewed from time to time so that it can be ascertained that the benefit of reservation is being given to the person who is entitled to get it because somewhere we all have made this mistake that even after 75 years of the implementation of the Constitution, we have not been able to achieve this goal. The Indian judiciary plays a crucial role in upholding the right to equality, a fundamental principle enshrined in the Indian Constitution. Through landmark judgments and interpretations, the judiciary has actively worked to eliminate discrimination and promote a more egalitarian society. It acts as a watchdog against violations of fundamental rights and ensures that all citizens, regardless of their background, are treated equally under the law.